

REMARKS

In response to the Final Office Action mailed on July 15, 2009, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Statement of the Substance of the Interview

Applicant wishes to thank Examiner Nigh for the telephone conference on October 9, 2009 in which Examiner Nigh kindly explained his perspectives on the Final Office Action. Claims 1, 5, and 24 were discussed with respect to the specification and figures, and in view of the cited TPM and Changes references, *infra*. Regarding the rejection of Claim 1 under 35 USC 101, it was suggested to state “by” instead of “at” for performing method steps. Regarding the rejection of Claim 5 under 35 USC 112, it was suggested to be more specific than reciting “related to”. Regarding Claim 24, removal of the dependency upon Claim 1 was discussed. Regarding the rejection of Claim 1 under 35 USC 103, Examiner Nigh noted that additional recitation with regard to the roles of the verification computer and the privacy certification authority computer would add to the clarity of Claim 1 and better distinguish over the cited art. With regard to the objection to the specification, it was noted that the typographical error in paragraph [0042] of the publication was a byproduct of the publication process, and the “TMP” typo does not appear in the specification as filed. In light of the telephone conference and in compliance with 37 CFR 1.133(b), the above claim amendments and remarks are respectfully submitted.

Specification

The disclosure has been objected to because paragraph [0042] of the published version of the application recites “TMP”, where it should be “TPM”. Paragraph [0042] of the published version of the application appears to map to page 8, line 25 – page 9, line 14 of the application as originally filed. In the application as originally filed, page 8, line 28 states, “(e.g., t could be the hash of the TPM's endorsement key), and computes”. However, in the application as published

by the USPTO, “TPM” has been changed to “TMP” in the equivalent line of paragraph [0042]. It appears that the typographical error noted by the Examiner was inserted during the publication process by the USPTO, and the typographical error does not exist in the application as filed. Applicant respectfully requests, if possible, that the USPTO correct the typographical error it inserted into the publication prior to allowance. Since the error does not actually exist in the application as filed, there is no amendment to be made to the application itself, as the typographical error is a byproduct of the publication process.

Claim Disposition

Claims 1, 2, 4, 5 and 21-24 are pending in the application. Claims 1, 2, 4, 5 and 21-24 have been rejected.

Claim Amendments

Claims 1, 5, and 24 have been amended, and previously withdrawn Claims 6-9 and 12-17 have been canceled, leaving Claims 1, 2, 4, 5 and 21-24 for consideration upon entry of the present amendment. No new matter has been added by the amendments.

Support for Claim Amendments

The amendments to Claims 1, 5, and 24 are fully supported in Applicant's specification. See, for example, pages 7-9 and 11, as well as FIG. 2.

Claim Rejections - 35 U.S.C. § 101

Claims 1, 2, 4, 5 and 21-24 stand rejected under 35 USC 101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner has noted that changing the language of Claim 1 from “at a verification computer” to “by a verification computer” would be sufficient to overcome this rejection. Accordingly, Claims 1 and 24 have been amended to recite “by a verification computer”. Therefore, Applicant respectfully submits that Claims 1 and 24 comply with 35 USC 101. Since Claims 2, 4, 5 and 21-23 depend from Claim 1, Claims 2, 4, 5 and 21-23 should also comply with 35 USC 101.

Claim Rejections - 35 U.S.C. § 112

Claims 1, 2, 4, 5 and 21-24 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner takes issue with “sufficiently” in Claim 1, “related to” in Claim 5, and execution of method steps by a computer readable medium in Claim 24. Claims 1 and 5 have been amended to remove “sufficiently” and “related to”. Claim 24, does not recite that a computer readable medium executes method steps; rather, Claim 24 recites, a “computer program product tangibly embodying computer readable instructions which when executed by an entity comprising a verification computer and a privacy certification authority computer causes the entity to implement the steps of”. Claim 24 has also been amended as an independent claim and is no longer dependent upon the method of Claim 1.

For at least these reasons Claims 1, 5 and 24 comply with 35 USC 112, 2nd paragraph. Since Claims 2, 4, 5 and 21-23 depend from Claim 1, Claims 2, 4, 5 and 21-23 should also comply with 35 USC 112, 2nd paragraph.

Claim Rejections - 35 U.S.C. § 103

Claims 1-2, 4-5 and 21-24 stand rejected under 35 USC 103(a) as being unpatentable over TPM Main Part 1 Design Principles (TPM Main Part 1 Design Principles, Specification Version 1.2, Revision 62, 2 October 2003, 161 pages, Trusted Computing Group, hereinafter referred to as TPM) in view of TPM v1.2 Specification Changes (TPM v1.2 Specification Changes, A summary of changes with respect to the v1.1b TPM Specification, October 2003, Trusted Computing Group, 14 pages hereinafter referred to as Changes). Applicant respectfully traverses.

In the Response to Amendment section of the Final Office action dated July 15, 2009, the Examiner noted that amending Claim 1 to positively recite the method would put the claim in better form, as patentable weight was not given to the wherein clause of Claim 1. In the interview of October 9, 2009, the Examiner noted that additional recitation with regard to the roles of the verification computer and the privacy certification authority computer would add to the clarity of Claim 1 and better distinguish over the cited art.

Applicant respectfully submits that, at a minimum, TPM in view of Changes fails to teach or suggest, “receiving at a privacy certification authority computer a first set of signature values from the user device, the first set of signature values being generated by the user device using a first set of values obtained from an issuer to indicate that attestation was obtained from the issuer; issuing a second set of values by the privacy certification authority computer to the user device, the second set of values based on a common value with the first set of signature values as an authority token;” and “verifying a proof at by the verification computer that the first and second sets of signature values are based on the first and second sets of values that are obtained from a the common value, where the common value that is unique to the user device; using a same base value by the privacy certification authority computer for a period of time such that the privacy certification authority computer determines validity of the security module based on a frequency with which the security module has requested certification; and issuing the second set of values by the privacy certification authority computer is performed in response to determining the validity of the security module”, as recited in Claim 1. For at least this reason, Applicant respectfully submits that Claim 1 is allowable over TPM in view of Changes.

Applicant further submits that Claims 2, 4, 5, and 21-23 depend from Claim 1 and are allowable for at least the same reasons that Claim 1 is allowable.

Regarding Claim 24, Applicant respectfully submits that, at a minimum, TPM in view of Changes fails to teach or suggest, “receiving at a privacy certification authority computer a first set of signature values from the user device, the first set of signature values being generated by the user device using a first set of values obtained from an issuer to indicate that attestation was obtained from the issuer; issuing a second set of values by the privacy certification authority computer to the user device, the second set of values based on a common value with the first set of signature values as an authority token;” and “verifying a proof at by the verification computer that the first and second sets of signature values are based on the first and second sets of values that are obtained from a the common value, where the common value that is unique to the user device; using a same base value by the privacy certification authority computer for a period of time such that the privacy certification authority computer determines validity of the security module based on a frequency with which the security module has requested certification; and

issuing the second set of values by the privacy certification authority computer is performed in response to determining the validity of the security module”, as recited in Claim 24. For at least this reason, Applicant respectfully submits that Claim 24 is allowable over TPM in view of Changes.

CONCLUSION

In this Amendment, Applicant has amended Claims 1, 5, and 24 and cancelled Claims 6-9 and 12-17 from further consideration in this application to facilitate expeditious prosecution of the application. Applicant is not conceding that the subject matter encompassed by the claims prior to this Amendment is unpatentable over the art cited by the Examiner. Applicant respectfully reserves the right to pursue claims in one or more continuing applications, including claims capturing the subject matter encompassed by the claims prior to this Amendment and additional claims.

It is believed that the foregoing amendments and remarks fully comply with the Final Office Action and that the claims herein should now be allowable to Applicant. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the Applicant deems to be the invention, it is respectfully requested that the application be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-0510.

Respectfully submitted,
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